

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document # _____

THOMAS STEINBERG AND

BLAKE SMYLE

-v-

MCINTOSH + OTIS

U.S.C.A. # 09-1836U.S.D.C. # 04 CV 5497JUDGE: GBDDATE: 7-1-08

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME): JEROME WILLS
 FIRM: HOLLAND + KNIGHT LLP
 ADDRESS: 195 BROADWAY N.Y. NY 10036
 PHONE NO.: 212-513-3200

S. S. G.
JUL 6 2009
U. S. DISTRICT COURT
FILED
OF N.Y.

DISTRICT COURT DOCKET ENTRIES _____

DOCUMENT DESCRIPTION _____ DOC. # _____

CLERK'S CERTIFICATE _____

SEE ATTACHED LIST OF NUMBERED DOCUMENTS _____

ORIGINAL RECORD

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 15th Day of July, 2009.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THOMAS STEINBECK AND
BLAKE SMYLE

-v-

MCINTOSH + OTIS ET AL

U.S.C.A. # 09-1836-cv

U.S.D.C. # 04 CV 5497

JUDGE: WSD

DATE: 7-1-09

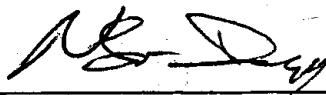
CLERK'S CERTIFICATE

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 through 130 inclusive, constitutes the Original Record On Appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
10-5-04	NOTICE OF CASE ASSIGNMENT
9-5-06	COUNTER STATEMENT BY JEAN ANDERSON IRVINE
3-14-05	ANSWER TO INTERVENOR COMPLAINT BY MCINTOSH
4-14-05	COUNTER STATEMENT BY STEINBECK
7-18-06	AMENDED ORDER SS OPINION + ORDER
11-17-08	REPLY MEMO OF LAW OF WILVERAY REED
5-28-08	NOTICE OF APPEARANCE BY SEAH SHEELY
8-18-08	MEMO OF LAW IN SUPPORT BY BLAKE SMYLE
8-18-08	LOCAL RULE 56.1 BY BLAKE SMYLE
8-18-08	DECLARATION OF SUSAN KOHLMAN

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 15th Day of July, In this year of our Lord, Two Thousand and Nine, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By 
Deputy Clerk

APPEAL, CLOSED, SIMILAR

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:04-cv-05497-GBD
Internal Use Only

Steinbeck et al v. McIntosh & Otis, Inc. et al
Assigned to: Judge George B. Daniels
Related Case: 1:04-cv-06795-GBD
Case in other court: USCA 2nd Circuit, 09-01836-cv
Cause: 15:1114 Trademark Infringement

Date Filed: 07/15/2004
Date Terminated: 03/31/2009
Jury Demand: None
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Date Filed	#	Docket Text
07/15/2004	1	COMPLAINT against Francis Anderson Atkinson, Jean Anderson Boone, Does 1-10, David Scott Farber, Steven Frushtick, Bahar Kaffaga, Jebel Kaffaga, Scott Kaffaga, McIntosh & Otis, Inc., Samuel Pinkus, Anderson Farber Runkle, The Steinbeck Heritage Foundation, Eugene H. Winick. (Filing Fee \$ 150.00, Receipt Number 514583) Document filed by Blake Smyle, Thomas Steinbeck. (laq,) (Entered: 07/16/2004)
07/15/2004		SUMMONS ISSUED as to Francis Anderson Atkinson, Jean Anderson Boone, Does 1-10, David Scott Farber, Steven Frushtick, Bahar Kaffaga, Jebel Kaffaga, Scott Kaffaga, McIntosh & Otis, Inc., Samuel Pinkus, Anderson Farber Runkle, The Steinbeck Heritage Foundation, Eugene H. Winick. (laq,) (Entered: 07/16/2004)
07/15/2004		CASE REFERRED TO Judge Richard Owen as possibly similar to 1:81-cv-6105. (laq,) (Entered: 07/16/2004)
08/10/2004	2	STIPULATION AND ORDER, that the time for the M&O defts and the Steinbeck defts must answer the complaint is extended to 9/30/04. (Signed by Judge Richard C. Casey on 8/9/04) (cd,) Additional attachment(s) added on 8/11/2004 (cd,). (Entered: 08/11/2004)
08/13/2004	3	NOTICE OF MOTION for Mark S. Lee to Appear Pro Hac Vice with attached declarations of Alon Markowitz and Mark. S. Lee. Document filed by Blake Smyle, Thomas Steinbeck. (pa,) (Entered: 08/16/2004)
08/31/2004	4	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Scott Kaffaga served on 7/23/2004, answer due 8/12/2004. Service was accepted by Bob Tyler, Attorney. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) (Entered: 09/01/2004)
08/31/2004	5	AFFIDAVIT OF SERVICE of Summons and Complaint. Jebel Kaffaga served on 7/17/2004, answer due 8/6/2004. Service was accepted by personal service. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) (Entered: 09/01/2004)
08/31/2004	6	AFFIDAVIT OF SERVICE of Summons and Complaint. Jean Anderson Boone served on 7/17/2004, answer due 8/6/2004. Service was accepted by personal service. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) (Entered: 09/01/2004)
08/31/2004	7	AFFIDAVIT OF SERVICE of Summons and Complaint. Eugene H. Winick served on 7/19/2004, answer due 8/9/2004. Service was accepted by Mark Schwartz, Receptionist. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) (Entered: 09/01/2004)
08/31/2004	8	AFFIDAVIT OF SERVICE of Summons and Complaint. Samuel Pinkus served on 7/19/2004, answer due 8/9/2004. Service was accepted by Mark Schwartz, Receptionist. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) (Entered: 09/01/2004)
08/31/2004	9	AFFIDAVIT OF SERVICE of Summons and Complaint. McIntosh & Otis, Inc. served on 7/19/2004, answer due 8/9/2004. Service was accepted by Mark Schwartz, Receptionist. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) (Entered: 09/01/2004)
08/31/2004	10	AFFIDAVIT OF SERVICE of Summons and Complaint. The Steinbeck Heritage Foundation served on 7/16/2004, answer due 8/5/2004. Service was accepted by Gail Valentine, Legal Secretary. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) (Entered: 09/01/2004)
08/31/2004	11	AFFIDAVIT OF SERVICE of Summons and Complaint. Anderson Farber Runkle served on 8/10/2004, answer due 8/30/2004. Service was accepted by Carolina A. Fornos, Attorney. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) (Entered: 09/01/2004)
08/31/2004	12	AFFIDAVIT OF SERVICE of Summons and Complaint. The Estate of Elaine Anderson Steinbeck served on 7/30/2004, answer due 8/19/2004. Service was accepted by Susan J. Kohlmann, Attorney. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) Modified on 9/1/2004 (jco,). (Entered: 09/01/2004)
08/31/2004	13	AFFIDAVIT OF SERVICE of Summons and Complaint. Steven Frushtick served on 7/16/2004, answer due 8/5/2004. Service was accepted by Gail Valentine, Legal Secretary. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) (Entered: 09/01/2004)

09/30/2004		ORDER granting 3 Motion for Mark S. Lee to Appear Pro Hac Vice . (Signed by Judge Richard Owen on 9/30/04) (jco,) (Entered: 10/05/2004)
09/30/2004	14	RULE 7.1 DISCLOSURE STATEMENT. Document filed by The Steinbeck Heritage Foundation. Received in the night deposit box on 9/30/04 at 8:59 P.M..(sac,) Modified on 10/13/2004 (sac,). (Entered: 10/05/2004)
09/30/2004	15	RULE 7.1 DISCLOSURE STATEMENT. Document filed by McIntosh & Otis, Inc., Samuel Pinkus, Eugene H. Winick. Received in the night deposit box on 9/30/04 at 6:15 P.M..(sac,) (Entered: 10/06/2004)
09/30/2004	16	ANSWER to Complaint. Document filed by McIntosh & Otis, Inc., Samuel Pinkus, Eugene H. Winick.(sac,) (Entered: 10/06/2004)
09/30/2004	17	ANSWER to Complaint., COUNTERCLAIM against Thomas Steinbeck. Document filed by The Steinbeck Heritage Foundation. Received in the night deposit box on 9/30/04 at 8:59 P.M..(sac,) (Entered: 10/06/2004)
09/30/2004	18	ANSWER to Complaint., COUNTERCLAIM against Thomas Steinbeck. Document filed by Jean Anderson Boone. Received in the night deposit box on 9/30/04 at 8:59 P.M..(sac,) (Entered: 10/06/2004)
09/30/2004	19	ANSWER to Complaint., COUNTERCLAIM against Thomas Steinbeck. Document filed by Steven Frushtick. Received in the night deposit box on 9/30/04 at 8:59 P.M..(sac,) (Entered: 10/06/2004)
09/30/2004	20	ANSWER to Complaint., COUNTERCLAIM against Blake Smyle, Thomas Steinbeck. Document filed by Scott Kaffaga, the Estate of Elaine Anderson Steinbeck.Received in the night deposit box on 9/30/04 at 9:00 P.M..(sac,) (Entered: 10/06/2004)
09/30/2004	21	ANSWER to Complaint., COUNTERCLAIM against Blake Smyle, Thomas Steinbeck. Document filed by David Scott Farber, Bahar Kaffaga, Jebel Kaffaga.(sac,) (Entered: 10/06/2004)
10/05/2004		CASE ACCEPTED AS SIMILAR TO 1:81-cv-6105. Notice of Assignment to follow. (laq,) (Entered: 10/15/2004)
10/05/2004	22	NOTICE OF CASE ASSIGNMENT to Judge Richard Owen. Judge Unassigned no longer assigned to the case. (laq,) (Entered: 10/15/2004)
10/05/2004		Magistrate Judge Theodore H. Katz is so designated. (laq,) (Entered: 10/15/2004)
10/15/2004		Mailed notice to the attorney(s) of record. (laq,) (Entered: 10/15/2004)
10/18/2004	23	AFFIDAVIT OF SERVICE of Summons and Complaint. David Scott Farber served on 8/10/2004, answer due 8/30/2004; Bahar Kaffaga served on 8/10/2004, answer due 8/30/2004. Service was made by hand delivery to attorneys. Document filed by Blake Smyle ; Thomas Steinbeck. (jco,) (Entered: 10/22/2004)
10/20/2004		CASHIERS OFFICE REMARK on 3 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 10/06/04, Receipt Number 521592. (gm,) (Entered: 10/20/2004)
11/04/2004	24	STIPULATION AND ORDER. The time for plaintiffs Thomas Steinbeck and Blake Smyle to answer, move or otherwise respond to defendants' counterclaims is extended to 11/9/04 (Signed by Judge Edmund L. Palmieri on 11/4/04) (yv,) (Entered: 11/16/2004)
11/12/2004	25	ANSWER to Counterclaim of Steinbeck Heritage. Document filed by Thomas Steinbeck.(cd,) (Entered: 11/17/2004)
12/03/2004	26	NOTICE OF MOTION to Intervene as a party pltff.with attached declaration of Nancy Steinbeck in support.. Document filed by Nancy Steinbeck. Return Date set for 1/7/2005 02:30 PM. (pa,) (Entered: 12/06/2004)
12/03/2004	27	MEMORANDUM OF LAW in Support re: 26 MOTION to Intervene.. Document filed by Nancy Steinbeck. (pa,) (Entered: 12/06/2004)
01/19/2005	28	ORDER granting 26 Motion to Intervene. (Signed by Judge Richard Owen on 1/19/05) (db,) (Entered: 01/21/2005)
02/14/2005	29	INTERVENOR COMPLAINT against Francis Atkinson, Jean Anderson Boone, David Scott Farber, Bahar Kaffaga, Jebel Kaffaga, Scott Kaffaga, McIntosh & Otis, Inc., Samuel Pinkus, Anderson Farber Runkle, Eugene H. Winick.Document filed by Nancy Steinbeck.Jury Demand.(djc,) (Entered: 02/17/2005)
02/18/2005	30	RULE 56.1 STATEMENT of Undisputed Material Facts. Document filed by Jean Anderson Boone, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga. (ps,) (Entered: 02/28/2005)
02/18/2005	31	MOTION for Partial Summary Judgment. Document filed by Jean Anderson Boone, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga. (ps,) (Entered: 02/28/2005)
02/18/2005	32	MEMORANDUM OF LAW in Support re: 31 MOTION for Partial Summary Judgment. Document filed by Jean Anderson Boone, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga. (ps,) (Entered: 02/28/2005)
02/18/2005	33	DECLARATION of Susan J. Kohlmann in Support re: 31 MOTION for Partial Summary Judgment. Document filed by Jean Anderson Boone, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga. (ps,) (Entered: 02/28/2005)
02/18/2005	34	MOTION for Summary Judgment and dissmisal of the Defendants' Second Counterclaims. DECLARATION of Thomas Steinbeck attached. Document filed by Thomas Steinbeck, Blake Smyle. (ps,) (Entered: 03/01/2005)
02/18/2005	95	MEMORANDUM OF LAW in Support re: 34 MOTION for Summary Judgment to dismiss Defendants' Second Counterclaims. Document filed by Thomas Steinbeck, Blake Smyle. (ps,) (Entered: 03/01/2005)

02/18/2005	36	RULE 56.1 STATEMENT. Document filed by Thomas Steinbeck, Blake Smyle. (ps,) (Entered: 03/01/2005)
02/22/2005	37	CERTIFICATE OF SERVICE re Notice of Motion for Partial Summary Judgment et al. Document filed by Thomas Steinbeck, Thomas Steinbeck. (cd,) (Entered: 03/02/2005)
03/04/2005	38	CERTIFICATE OF SERVICE of answers served on Sanford Hausler on 2/28/05. Service was made by First Class Mail. Document filed by Nancy Steinbeck. (kw,) (Entered: 03/10/2005)
03/07/2005	40	ANSWER to Intervenor Complaint. Document filed by Jean Anderson Boone, Francis Anderson Atkinson, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga, Steven Frushtick, Does 1-10, the Estate of Elaine Anderson Steinbeck, McIntosh & Otis, Inc., The Steinbeck Heritage Foundation, Eugene H. Winick, Samuel Pinkus.(pl,) (Entered: 03/11/2005)
03/08/2005	39	ENDORSED LETTER addressed to Judge Richard Owen from Sanford Hausler dated 3/7/05 re: counsel for plaintiff requests that the court extend the briefing dates as follows: opposition papers to be served by 4/14/05; reply papers to be served by 4/28/05. Schedule granted. Hearing 5/6/05 at 2:30 p.m.. (Signed by Judge Richard Owen on 3/8/05) (dle,) (Entered: 03/10/2005)
03/09/2005	41	STIPULATION AND ORDERthat the time within which dfts McIntosh & Otis, Samuel Pinkus, and Eugene Winick may answer, move or otherwise respond with respect to the compliant in Nancy Steinbeck is extended to and including 3/14/05. (Signed by Judge Richard Owen on 3/7/05) (dle,) (Entered: 03/11/2005)
03/09/2005		Set Answer Due Date purs. to 41 Stipulation and Order, as to McIntosh & Otis, Inc. answer due on 3/14/2005; Samuel Pinkus answer due on 3/14/2005; Eugene H. Winick answer due on 3/14/2005. (dle,) (Entered: 03/11/2005)
03/09/2005	43	NOTICE of Change of Address by Cynthia S. Arato on behalf of Blake Smyle, Thomas Steinbeck, Blake Smyle, Thomas Steinbeck. New Address: Manatt, Phelps & Phillips, LLP, 7 Times Square, New York, NY, USA 10036, (212) 790-4500. (ll,) (Entered: 03/18/2005)
03/14/2005	42	ANSWER to Intervenor Complaint. Document filed by McIntosh & Otis, Inc., Eugene H. Winick, Samuel Pinkus. (McNamara, Elizabeth) (Entered: 03/14/2005)
04/14/2005	44	COUNTER STATEMENT TO 30 Rule 56.1 Statement. Document filed by Thomas Steinbeck, Blake Smyle. (kw,) (Entered: 04/21/2005)
04/14/2005	45	MEMORANDUM OF LAW in Opposition re: 31 MOTION for Partial Summary Judgment. Document filed by Thomas Steinbeck, Blake Smyle. (kw,) (Entered: 04/21/2005)
04/14/2005	46	RULE 56.1 STATEMENT. Document filed by Nancy Steinbeck. (kw,) (Entered: 04/21/2005)
04/14/2005	47	DECLARATION of Nancy Steinbeck in opposition to re: 34 MOTION for Summary Judgment and in support of 31 MOTION for Partial Summary Judgment. Document filed by Nancy Steinbeck. (kw,) Modified on 4/21/2005 (kw,). (Entered: 04/21/2005)
04/14/2005	48	MEMORANDUM OF LAW in opposition to re: 34 MOTION for Summary Judgment and in support of 31 MOTION for Partial Summary Judgment. Document filed by Nancy Steinbeck. (kw,) (Entered: 04/21/2005)
04/14/2005	49	MEMORANDUM OF LAW in Opposition re: 34 MOTION for Summary Judgment.. Document filed by Jean Anderson Boone, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga. (mde,) (Entered: 04/22/2005)
04/14/2005	50	COUNTER STATEMENT TO Rule 56.1: Document filed by Jean Anderson Boone, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga. (mde,) (Entered: 04/22/2005)
04/14/2005	51	NOTICE of Change of Firm Name; by Susan Joan Kohlmann on behalf of Jean Anderson Boone, Francis Anderson Atkinson, Scott Kaffaga, Anderson Farber Runkle, McIntosh & Otis, Inc., Jebel Kaffaga, Bahar Kaffaga, Steven Frushtick, the Estate of Elaine Anderson Steinbeck, The Steinbeck Heritage Foundation, Eugene H. Winick, Samuel Pinkus. New Address: Pillsbury Winthrop Shaw Pittman LLP, 1540 Broadway, New York, New York, 10036,. (mde,) (Entered: 04/22/2005)
04/28/2005	52	Response to Intervenor Plaintiff's Statement of Undisputed Material Facts. Document filed by Thomas Steinbeck, Blake Smyle. (dle,) (Entered: 05/03/2005)
04/28/2005	53	Plaintiff Blake Smyle's Memorandum of Law in response to intervenor plaintiff Nancy Steinbeck's memorandum of law in support of and in opposition to motions for partial summary judgment. Document filed by Blake Smyle. (dle,) (Entered: 05/03/2005)
04/28/2005	54	REPLY MEMORANDUM OF LAW in Support re: 34 MOTION for Summary Judgment.. Document filed by Thomas Steinbeck, Blake Smyle. (dle,) (Entered: 05/03/2005)
04/28/2005	55	REPLY MEMORANDUM OF LAW in Support re: 31 MOTION for Partial Summary Judgment.. Document filed by Jean Anderson Boone, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga. (dle,) (Entered: 05/03/2005)
04/28/2005	56	The Steinbeck Dfts and Counterclaim Plaintiffs' response to intervenor plaintiff Nancy Steinbeck's statement of undisputed material facts. Document filed by Scott Kaffaga, David Scott Farber, Jebel Kaffaga, Bahar Kaffaga, Jean Anderson Boone. (dle,) (Entered: 05/03/2005)

05/11/2005		Minute Entry for proceedings held before Judge Richard Owen : Oral Argument held on 5/11/2005 re: 34 MOTION for partial summary Judgment. filed by Thomas Steinbeck,, Blake Smyle, (pl,) (Entered: 05/12/2005)
05/25/2005	57	TRANSCRIPT of proceedings held on 05/11/05 before Judge Richard Owen. (es,) (Entered: 05/25/2005)
06/03/2005	58	MEMO ENDORSEMENT on Notice of withdrawal of counsel. Ms. Arato hereby withdraws as counsel of record for plaintiffs Thomas Steinbeck and Blake Smyle. Ms. Arato's name to be removed from the Court's and counsel's service lists. So Ordered (Signed by Judge Richard Owen on 6/3/05) (yv,) (Entered: 06/06/2005)
06/08/2006	59	OPINION AND ORDER: Summary judgment on the validity of these notices as a matter of law is granted. (Signed by Judge Richard Owen on 6/8/2006) (lb,) (Entered: 06/09/2006)
06/09/2006		Transmission to Judgments and Orders Clerk. Transmitted re: 59 Memorandum & Opinion, to the Judgments and Orders Clerk. (lb,) (Entered: 06/09/2006)
06/15/2006	60	MEMORANDUM OF LAW in Support of his motion for summary judgment on McIntosh & Otis, Inc.'s Counterclaim. Document filed by Thomas Steinbeck, Thomas Steinbeck. (djc,) (Entered: 06/16/2006) ..
06/15/2006	61	RULE 56.1 STATEMENT of Udisputed Facts in Support of his Motion for Summary Judgment on McIntosh & Otis, Inc.'s Counterclaim. Document filed by Thomas Steinbeck, Thomas Steinbeck. (djc,) (Entered: 06/16/2006)
06/15/2006	62	MOTION for Summary Judgment on the counterclaim Plaintiff McIntosh & Otis. Attached is Steinbeck Declaration. Document filed by Thomas Steinbeck, Thomas Steinbeck. (djc,) (Entered: 06/16/2006)
06/23/2006	63	MOTION for Reconsideration of this Court's Order entered June 9, 2006. Document filed by Jean Anderson Boone, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga. (jmi,) (Entered: 06/26/2006)
06/23/2006	64	MEMORANDUM OF LAW in Support re: 63 MOTION for Reconsideration.. Document filed by Jean Anderson Boone, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga. (jmi,) (Entered: 06/26/2006)
07/05/2006	65	MOTION for certification of this Court's Order entered 6/9/06 for appeal to the Second Circuit. Document filed by Nancy Steinbeck, Thomas Steinbeck, The Steinbeck Heritage Foundation. (pl,) (Entered: 07/07/2006)
07/05/2006	66	MEMORANDUM OF LAW in Support re: 65 MOTION for certification of this Court's Order entered 6/9/06 for appeal to the Second Circuit.. Document filed by Thomas Steinbeck, The Steinbeck Heritage Foundation. (pl,) (Entered: 07/07/2006)
07/10/2006	67	MEMORANDUM OF LAW in Opposition re: 63 MOTION for Reconsideration.. Document filed by Blake Smyle. (dle,) (Entered: 07/11/2006)
07/18/2006	68	STIPULATION: the return date on plaintiff and counter-claim-defendant Thomas Steinbeck's Motion for Summary Judgment with respect to defendant/counterclaimant McIntosh & Otis, Inc.'s counterclaim is extended to 8/25/06 at 2:30 p.m. Opposition served by 7/21/06; reply by 8/11/06. (Signed by Judge Richard Owen on 7/18/06) (db,) (Entered: 07/18/2006)
07/18/2006	69	AMENDED ORDER: the 59 Opinion & Order is amended in regards to attorney appearances as further set forth and listed in said Order. (Signed by Judge Richard Owen on 7/18/06) (db,) (Entered: 07/18/2006)
07/18/2006	70	AMENDED ORDER: the 59 Opinion & Order is amended in regards to attorney appearances as further set forth and listed in said Order. Original filed in 04cv5497 (RO), document # 69. (Signed by Judge Richard Owen on 7/18/06) (db,) (Entered: 07/18/2006)
07/20/2006	71	REPLY MEMORANDUM OF LAW in Support re: 63 MOTION for Reconsideration.. Document filed by Scott Kaffaga, Anderson Farber Runkle. (cd,) (Entered: 07/25/2006)
07/24/2006	72	RESPONSE to Motion re: 65 MOTION for certification of this Court's Order entered 6/9/06 for appeal to the Second Circuit.. Document filed by Thomas Steinbeck, Blake Smyle. (cd,) (Entered: 07/26/2006)
07/27/2006	73	STIPULATION: It is hereby stipulated and agreed, by and among the undersigned counsel for the parties, that the return date on Plaintiff and counterclaim defendant Thomas Steinbeck's Motion for Summary Judgment with respect to defendant and counterclaim- plaintiff McIntosh & Otis, Inc's Counterclaim is extended from August 25, 2006 at 2:30 p.m. until September 15, 2006 at 2:30 p.m. Defendant and Counterclaim-Plaintiff McIntosh & Otis, Inc. shall serve its opposition papers on or before August 4, 2006. It is further stipulated and agreed, that plaintiff and counterclaim-defendant Thomas Steinbeck shall serve his reply papers on or before September 8, 2006. (Signed by Judge Richard Owen on 7/27/06) (js,) (Entered: 07/28/2006)
07/28/2006	74	REPLY MEMORANDUM OF LAW in Support re: 65 MOTION for certification of this Court's Order entered 6/9/06 for appeal to the Second Circuit.. Document filed by The Steinbeck Heritage Foundation. (cd,) (Entered: 08/01/2006)
08/04/2006	75	ORDER: certifying under FRCP 54(b) the 6/9/06 Order for Appeal to the Second Circuit. By entry of this Certification Order, Thomas Steinbeck, Blake Smyle, and the Syeinbeck defendants have not waived their rights to seek certification of the entirety of the Court's 6/9/06 Order and further, reserve their rights to proceed with certification pursuant to 28 USC 1292(b) should it become necessary. (Signed by Judge Richard Owen on 8/4/06) (db,) (Entered: 08/04/2006)
08/04/2006	76	MEMO ENDORSEMENT: DENYING 63 MOTION for Reconsideration. (Signed by Judge Richard Owen on 8/4/06) (db,) (Entered: 08/04/2006)
08/04/2006	77	NOTICE OF APPEAL from 59 Memorandum & Opinion. Document filed by David Scott Farber, Bahar Kaffaga, Jebel Kaffaga, Jean Anderson Boone, Scott Kaffaga, David Scott Farber, Jebel Kaffaga, Bahar Kaffaga, the Estate of Elaine Anderson Steinbeck, Jean Anderson Boone, Scott Kaffaga, the Estate of Elaine Anderson Steinbeck. Filing fee \$ 455.00,

		receipt number E 586923. Copies of Notice of Appeal mailed to Attorney(s) of Record: Manatt, Phelps & Phillips, LLP, Davis Wright Tremaine LLP, Cox, Buchanan, Padmore & Shakarchy and Cowan, Liebowitz & Latman, P.C. (nd,) (Entered: 08/07/2006)
08/07/2006		Transmission of Notice of Appeal to the District Judge re: 77 Notice of Appeal.,.. (nd,) (Entered: 08/07/2006)
08/07/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 77 Notice of Appeal.,.. (nd,) (Entered: 08/07/2006)
08/17/2006	78	STIPULATION AFFIRMING COURT'S GRANT OF LEAVE TO M&O DEFENDANTS TO FILE AMENDED ANSWER; by and between the undersigned counsel, that, on about Thursday, August 3,2006, the chambers of the Honorable Richard Owen informed counsel that the Court has granted leave to defendants Defendants and Counterclaim Plaintiffs McIntosh & Otis, Inc., Eugene H. Winick and Samuel Pinkus to file an amended answer to the Complaint in this action. The parties further stipulate and agree that this stipulation may be executed in counterparts and that facsimile signatures will have the same force and effect as originals. (Signed by Judge Stephen C. Robinson on 8/15/2006) (Part I) (jmi,) (Entered: 08/17/2006)
08/22/2006	79	AMENDED ANSWER to 29 Intervenor Complaint and 1 Complaint. Document filed by McIntosh & Otis, Inc., Eugene H. Winick, Samuel Pinkus. (db,) (Entered: 08/23/2006)
08/25/2006	80	MOTION for an Order, pursuant to Rule 56 of the Fed. R. of Civ. P., granting Plaintiff/Counterclaim Defendant Summary Judgment on the Counterclaims of Defendant and Counterclaim Plaintiff McIntosh & Otis in the Amended Answer of Defendant/Counterclaim Plaintiff and dismissing said Counterclaims. Document filed by Thomas Steinbeck. Responses due by 9/8/2006 Return Date set for 9/22/2006 02:30 PM. (jar,) (Entered: 08/28/2006)
08/25/2006	81	MEMORANDUM OF LAW in Support re: 80 MOTION for an Order, pursuant to Rule 56 of the Fed. R. of Civ. P., granting Plaintiff/Counterclaim Defendant Summary Judgment on the Counterclaims of Defendant and Counterclaim Plaintiff McIntosh & Otis in the Amended Answer of Defendant/Counterclaim Plaintiff and dismissing said Counterclaims. Document filed by Thomas Steinbeck, Thomas Steinbeck. (jar,) (Entered: 08/28/2006)
08/25/2006	82	RULE 56.1 STATEMENT of Undisputed Facts in Support of His Motion for Summary Judgment On McIntosh & Otis, Inc.'s Counterclaims in its Amended Answer. Document filed by Thomas Steinbeck, Thomas Steinbeck. (jar,) (Entered: 08/28/2006)
09/05/2006	83	DECLARATION in Support of M&O's opposition to 80 MOTION for Summary Judgment. Document filed by Samuel Pinkus. (jco,) (Entered: 09/11/2006)
09/05/2006	84	MOTION for Judgment on the Pleadings pursuant to Rule 12 of the F.R.C.P. Document filed by McIntosh & Otis, Inc. (jco,) (Entered: 09/11/2006)
09/05/2006	85	MEMORANDUM OF LAW in Opposition re: 80 MOTION for Summary Judgment ; 84 MOTION for Judgment on the Pleadings. Document filed by Thomas Steinbeck, Blake Smyle. (jco,) (Entered: 09/11/2006)
09/05/2006	86	COUNTER STATEMENT TO 36 Rule 56.1 Statement. Document filed by Jean Anderson Boone, Francis Anderson Atkinson, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga, Steven Frushtick, Does 1-10, the Estate of Elaine Anderson Steinbeck, McIntosh & Otis, Inc., The Steinbeck Heritage Foundation, Eugene H. Winick, Samuel Pinkus. (jco,) (Entered: 09/11/2006)
09/05/2006	87	AFFIDAVIT of Lacy H. Koonce III in Support of M&O's opposition to Thomas Steinbeck's Motion for summary judgment and, in part, in support of M&O's cross-motion for summary judgment. (jco,) (Entered: 09/11/2006)
09/05/2006	88	DECLARATION in Support of M&O's opposition to the Motion of Thomas Steinbeck for Summary Judgment. Document filed by Eugene H. Winick. (jco,) (Entered: 09/11/2006)
09/15/2006	89	MEMORANDUM OF LAW in Support re: 80 MOTION for Summary Judgment. Document filed by Thomas Steinbeck. (db,) (Entered: 09/20/2006)
09/20/2006	91	REPLY MEMORANDUM OF LAW in Support re: 84 MOTION for Judgment on the Pleadings.. Document filed by McIntosh & Otis, Inc. (jar,) (Entered: 09/22/2006)
09/21/2006	90	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 77 Notice of Appeal, filed by Jean Anderson Boone, Scott Kaffaga, David Scott Farber, Jebel Kaffaga, Bahar Kaffaga, the Estate of Elaine Anderson Steinbeck, USCA Case Number 06-3696-cv; 06-3226-cv, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp,) Additional attachment(s) added on 9/22/2006 (nd,). (Entered: 09/22/2006)
09/22/2006	92	STIPULATION that deft McIntosh & Otis shall serve its reply papers in connection with its Cross-Motion for Judgment on the Pleadings on or before 9/20/06. (Signed by Judge Richard Owen on 9/22/06) (cd,) (Entered: 09/22/2006)
03/22/2007	93	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - NOTICE OF CHANGE OF ADDRESS by Susan Joan Kohlmann on behalf of Jean Anderson Boone, Francis Anderson Atkinson, Scott Kaffaga, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga, Steven Frushtick, Does 1-10, the Estate of Elaine Anderson Steinbeck, The Steinbeck Heritage Foundation. New Address: Jenner & Block LLP, 919 Third Avenue, 37th Floor, New York, NY, USA 10022-3908, 212-891-1600. (Kohlmann, Susan) Modified on 4/2/2007 (lb). (Entered: 03/22/2007)
04/02/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Susan Joan Kohlmann to MANUALLY RE-FILE Document NOTICE OF CHANGE OF ADDRESS, Document No. 93. This case is not ECF. (lb) (Entered: 04/02/2007)

04/04/2007	<u>94</u>	NOTICE OF CHANGE OF ADDRESS by Susan Joan Kohlmann on behalf of Blake Smyle, Thomas Steinbeck, David Scott Farber, Bahar Kaffaga, Jebel Kaffaga, Jean Anderson Boone, Francis Anderson Atkinson, Scott Kaffaga, Francis Anderson Atkinson, Jean Anderson Boone, David Scott Farber, Bahar Kaffaga, Jebel Kaffaga, Anderson Farber Runkle, Scott Kaffaga, McIntosh & Otis, Inc., Samuel Pinkus, Anderson Farber Runkle, Eugene H. Winick, Steven Frushtick, Does 1-10, the Estate of Elaine Anderson Steinbeck, McIntosh & Otis, Inc., The Steinbeck Heritage Foundation, Eugene H. Winick, Samuel Pinkus. New Address: Jenner & Block, 919 Third Avenue, New York, NY, 10022-3908, Telephone: (212) 891-1690 Fax: (212) 891-1699. (tro) (Entered: 04/05/2007)
02/22/2008	<u>95</u>	NOTICE OF CASE REASSIGNMENT to Judge George B. Daniels. Judge Richard Owen is no longer assigned to the case. (mbe) (Entered: 02/29/2008)
02/22/2008		Mailed notice to the attorney(s) of record. (mbe) (Entered: 02/29/2008)
08/18/2008	<u>96</u>	MOTION for Summary Judgment. Document filed by Blake Smyle, Thomas Steinbeck, David Scott Farber, Bahar Kaffaga, Jebel Kaffaga, Jean Anderson Boone, Francis Anderson Atkinson, Scott Kaffaga, Anderson Farber Runkle, Steven Frushtick, Thomas Steinbeck, the Estate of Elaine Anderson Steinbeck, McIntosh & Otis, Inc., The Steinbeck Heritage Foundation, Eugene H. Winick, Samuel Pinkus.(jmi) (Entered: 08/19/2008)
08/18/2008	<u>97</u>	MEMORANDUM OF LAW in Support re: 96 MOTION for Summary Judgment. Document filed by Blake Smyle, Thomas Steinbeck, David Scott Farber, Bahar Kaffaga, Jebel Kaffaga, Jean Anderson Boone, Francis Anderson Atkinson, Scott Kaffaga, Anderson Farber Runkle, Steven Frushtick, McIntosh & Otis, Inc., The Steinbeck Heritage Foundation, Eugene H. Winick, Samuel Pinkus. (jmi) (Entered: 08/19/2008)
08/18/2008	<u>98</u>	LOCAL RULE 56.1 STATEMENT OF UNDISPUTED FACTS Document filed by Blake Smyle, Thomas Steinbeck, David Scott Farber, Bahar Kaffaga, Jebel Kaffaga, Jean Anderson Boone, Francis Anderson Atkinson, Scott Kaffaga, Anderson Farber Runkle, Eugene H. Winick, Steven Frushtick, the Estate of Elaine Anderson Steinbeck, McIntosh & Otis, Inc., The Steinbeck Heritage Foundation, Eugene H. Winick, Samuel Pinkus. (jmi) (Entered: 08/19/2008)
08/18/2008	<u>99</u>	DECLARATION of Susan J. Kohlmann in Support re: 96 MOTION for Summary Judgment.. Document filed by Blake Smyle, Thomas Steinbeck, David Scott Farber, Bahar Kaffaga, Jebel Kaffaga, Jean Anderson Boone, Francis Anderson Atkinson, Scott Kaffaga, Anderson Farber Runkle, Scott Kaffaga, McIntosh & Otis, Inc., Samuel Pinkus, Eugene H. Winick, Steven Frushtick, the Estate of Elaine Anderson Steinbeck, McIntosh & Otis, Inc., The Steinbeck Heritage Foundation, Eugene H. Winick, Samuel Pinkus. (jmi) (Entered: 08/20/2008)
09/05/2008	<u>100</u>	MOTION for Summary Judgment. Document filed by McIntosh & Otis, Inc., Eugene H. Winick, Samuel Pinkus.(jmi) (Entered: 09/09/2008)
09/05/2008	<u>101</u>	RULE 56.1 STATEMENT of Undisputed Facts. Document filed by McIntosh & Otis, Inc., Eugene H. Winick, Samuel Pinkus. (jmi) (Entered: 09/09/2008)
09/05/2008	<u>102</u>	MEMORANDUM OF LAW in Support re: 100 MOTION for Summary Judgment. Document filed by McIntosh & Otis, Inc., Eugene H. Winick, Samuel Pinkus. (jmi) (Entered: 09/09/2008)
09/05/2008	<u>103</u>	DECLARATION of Lacy H. Koonce III in Support re: 100 MOTION for Summary Judgment. Document filed by McIntosh & Otis, Inc., Eugene H. Winick, Samuel Pinkus. (jmi) (Entered: 09/09/2008)
09/05/2008	<u>104</u>	AFFIDAVIT OF SERVICE of Memorandum of Law in Support of M&O Defendants' Motion for Summary Judgment served on Attorneys for Plaintiffs Thomas Steinbeck and Blake Smyle, Attorneys for Defendant and Counterclaim, and Attorneys for Intervenor-Plaintiff Nancy Steinbeck on 9/5/2008. Service was made by Mail. Document filed by McIntosh & Otis, Inc., Eugene H. Winick, Samuel Pinkus. (jmi) (Entered: 09/09/2008)
10/02/2008	<u>105</u>	ENDORSED LETTER addressed to Judge George B. Daniels from Susan J. Kohlmann dated 10/2/08 re: Counsel writes to advise the court that they will be available for oral argument on or after December 8, 2008. ENDORSEMENT: The oral argument is adjourned to December 10, 2008 at 10:00 a.m., (Oral Argument set for 12/10/2008 at 10:00 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 10/2/08) (mme) (Entered: 10/02/2008)
10/15/2008	<u>106</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - MEMORANDUM OF LAW in Opposition re: 96 MOTION for Summary Judgment. -- Plaintiffs' Thomas Steinbeck's and Blake Smyle's Memorandum of Law in Opposition to the Estate Defendants' Motion for Summary Judgment --. Document filed by Blake Smyle, Thomas Steinbeck, Blake Smyle, Thomas Steinbeck. (Lee, Mark) Modified on 10/16/2008 (jar). (Entered: 10/15/2008)
10/15/2008	<u>107</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - RULE 56.1 STATEMENT. Document filed by Blake Smyle, Thomas Steinbeck, Blake Smyle, Thomas Steinbeck. (Lee, Mark) Modified on 10/16/2008 (jar). (Entered: 10/15/2008)
10/15/2008	<u>108</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - MEMORANDUM OF LAW in Opposition re: 100 MOTION for Summary Judgment. -- Plaintiffs Thomas Steinbeck's and Blake Smyle's Memorandum of Law in Opposition to the M&O Defendants' Motion for Summary Judgment --. Document filed by Blake Smyle, Thomas Steinbeck, Blake Smyle, Thomas Steinbeck. (Lee, Mark) Modified on 10/16/2008 (jar). (Entered: 10/15/2008)
10/15/2008	<u>109</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - RULE 56.1 STATEMENT. Document filed by Blake Smyle, Thomas Steinbeck, Blake Smyle, Thomas Steinbeck. (Lee, Mark) Modified on 10/16/2008 (jar). (Entered: 10/15/2008)
10/15/2008	<u>110</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - DECLARATION of Thomas Steinbeck, Blake Smyle, Gail Knight Steinbeck, and Mark S. Lee in Opposition re: 96 MOTION for Summary Judgment., 100 MOTION for Summary Judgment.. Document filed by Blake Smyle, Thomas Steinbeck, Blake Smyle, Thomas Steinbeck. (Attachments: #

		1 Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3 (part 1), # <u>4</u> Exhibit 3 (Part 2), # <u>5</u> Exhibit 3 (Part 3), # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Exhibit 14 (Part 1), # <u>17</u> Exhibit 14 (Part 2), # <u>18</u> Exhibit 15, # <u>19</u> Exhibit 16, # <u>20</u> Exhibit 17, # <u>21</u> Exhibit 18, # <u>22</u> Exhibit 19, # <u>23</u> Exhibit 20, # <u>24</u> Exhibit 21, # <u>25</u> Exhibit 22)(Lee, Mark) Modified on 10/16/2008 (jar). (Entered: 10/15/2008)
10/15/2008	<u>111</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - DECLARATION of Thomas Steinbeck, Blake Smyle, Gail Knight Steinbeck, and Mark S. Lee (continued) in Opposition re: 96 MOTION for Summary Judgment., 100 MOTION for Summary Judgment.. Document filed by Blake Smyle, Thomas Steinbeck, Blake Smyle, Thomas Steinbeck. (Attachments: # <u>1</u> Exhibit 23, # <u>2</u> Exhibit 24, # <u>3</u> Exhibit 25, # <u>4</u> Exhibit 26, # <u>5</u> Exhibit 27, # <u>6</u> Exhibit 28, # <u>7</u> Exhibit 29, # <u>8</u> Exhibit 30, # <u>9</u> Exhibit 31)(Lee, Mark) Modified on 10/16/2008 (jar). (Entered: 10/15/2008)
10/15/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Mark Lee to MANUALLY RE-FILE Document Memorandum of Law, Document No. 106. This case is not ECF. (jar) (Entered: 10/16/2008)
10/15/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Mark Lee to MANUALLY RE-FILE Document Memorandum of Law, Document No. 108. This case is not ECF. (jar) (Entered: 10/16/2008)
10/15/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Mark Lee to MANUALLY RE-FILE Document Declaration in Opposition, Document No. 110. This case is not ECF. (jar) (Entered: 10/16/2008)
10/15/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Mark Lee to MANUALLY RE-FILE Document Declaration in Opposition, Document No. 111. This case is not ECF. (jar) (Entered: 10/16/2008)
10/15/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Mark Lee to MANUALLY RE-FILE Document Rule 56.1 Statement, Document No. 109. This case is not ECF. (jar) (Entered: 10/16/2008)
10/15/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Mark Lee to MANUALLY RE-FILE Document Memorandum of Law, Document No. 112. This case is not ECF. (jar) (Entered: 10/16/2008)
10/16/2008	<u>112</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - MEMORANDUM OF LAW in Opposition re: 100 MOTION for Summary Judgment. -- Plaintiffs Thomas Steinbeck's and Blake Smyle's Memorandum of Law in Opposition to the M&O Defendants' Motion for Summary Judgment -- This Document Replaces # <u>108</u> on the Docket Filed in Error. Document filed by Blake Smyle, Thomas Steinbeck, Blake Smyle, Thomas Steinbeck. (Lee, Mark) Modified on 10/16/2008 (jar). (Entered: 10/16/2008)
11/05/2008	<u>113</u>	MANDATE of USCA (Certified Copy) as to 77 Notice of Appeal,, filed by the Estate of Elaine Anderson Steinbeck, Bahar Kaffaga, Jebel Kaffaga, Scott Kaffaga, David Scott Farber, Jean Anderson Boone USCA Case Number 06-3226-cv and 06-3696-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is REVERSED and the case REMANDED for entry of judgment in favor of Penguin in accordance with the opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 11/3/2008. (nd) (Entered: 11/05/2008)
11/05/2008		Transmission of USCA Mandate/Order to the District Judge re: <u>113</u> USCA Mandate,, (nd) (Entered: 11/05/2008)
11/13/2008	<u>114</u>	ORDER: Plaintiffs request, that "a conference be scheduled as soon as possible to discuss the status of outstanding discovery in this action as it relates to the two consolidated motions for summary judgment scheduled for oral argument before the Court on December 10, 2008", is DENIED. (Signed by Judge George B. Daniels on 11/12/2008) (jfe) (Entered: 11/13/2008)
11/13/2008	<u>115</u>	STIPULATION AND ORDER FOR SUBSTITUTION OF COUNSEL: It is hereby Stipulated and agreed that that Holland & Knight LLP, 195 Broadway, New York, NY, 10007, be substituted in place of Manatt, Phelps & Phillips, LLP, 7 Times Square, 22nd Floor, New York NY 10036, and 11355 West Olympic Boulevard, Los Angeles, CA 90064-1614, as attorneys for Plaintiff and Counterclaim Defendants, Thomas Steinbeck and Black Smyle, in this action. (Signed by Judge George B. Daniels on 11/13/2008) (jfe) (Entered: 11/13/2008)
11/17/2008	<u>116</u>	REPLY MEMORANDUM OF LAW OF WAVERLY SCOTT KAFFAGA, INDIVIDUALLYS AND AS EXECUTOR OF THE ESTATE OF ELAINE ANDERSON STEINBACK, DAVID SCOTT FARBER, ANDERSON FARBER RUNKLE, JEBEL KAFFAGA, BAHAR KAFFAGA, JEAN ANDERSON BOONR, STEVEN FRUSHTICK, AND THE STEINBECK HERITAGE FOUNDATION (COLLECTIVELY "THE ESTATE DEFENDANTS") in Support re: 96 MOTION for Summary Judgment. Document filed by Jean Anderson Boone, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga, Steven Frushtick, the Estate of Elaine Anderson Steinbeck, The Steinbeck Heritage Foundation. (tro) (Entered: 11/18/2008)
11/17/2008	<u>117</u>	REPLY MEMORANDUM OF LAW in Support re: 100 MOTION for Summary Judgment. Document filed by McIntosh & Otis, Inc. (tro) (Entered: 11/18/2008)
11/17/2008	<u>118</u>	NOTICE OF APPEARANCE by Lindsay Hannah Tasher on behalf of Blake Smyle, Thomas Steinbeck, Thomas Steinbeck, Blake Smyle (dle) (Entered: 11/19/2008)
11/17/2008	<u>119</u>	NOTICE OF APPEARANCE by John J. Reilly on behalf of Blake Smyle, Thomas Steinbeck, Thomas Steinbeck, Blake Smyle (dle) (Entered: 11/19/2008)

11/17/2008	<u>120</u>	SUPPLEMENTAL DECLARATION of Lacy H. Koonce, III. Document filed by McIntosh & Otis, Inc.. (djc) (Entered: 11/19/2008)
11/18/2008	<u>121</u>	MOTION for an order purs to FRCP 56(f) granting the Plaintiffs' Motion to Stay Defendants' motions fur summary judgment in this matter. Document filed by Thomas Steinbeck, Blake Smyle.(djc) (Entered: 11/19/2008)
11/18/2008	<u>122</u>	DECLARATION of John J. Reilly in Support re: 121 MOTION to Stay.. Document filed by Thomas Steinbeck, Blake Smyle. (djc) (Entered: 11/19/2008)
11/18/2008	<u>123</u>	CERTIFICATE OF SERVICE of Notice of Motion for stay of summary judgment decision; Declaration of John J. Reilly Memorandum of Law in support, proposed order; and certificate of service served on THE FOLLOWING COUNSELs OF RECORD... on 11/18/08. Service was made by via UPS overnight mail and e-mail. Document filed by Thomas Steinbeck, Blake Smyle. (djc) (Entered: 11/20/2008)
11/20/2008	<u>124</u>	ORDER denying 121 Motion to Stay. (Signed by Judge George B. Daniels on 11/20/08) (mme) (Entered: 11/20/2008)
11/25/2008	<u>125</u>	TRANSCRIPT of proceedings held on 9/22/06 before Judge Richard Owen. (ama) (Entered: 12/03/2008)
12/03/2008	<u>126</u>	MOTION for Richard T. Williams and Paul Kilmer to Appear Pro Hac Vice. Document filed by Blake Smyle, Thomas Steinbeck, Thomas Steinbeck, Blake Smyle.(dle) (Entered: 12/05/2008)
12/05/2008	<u>127</u>	ORDER: It is hereby ordered that Richard T. Williams and Paul Kilmer are admitted to practice pro hac vice in this action. (Signed by Judge George B. Daniels on 12/5/2008) (jpo) (Entered: 12/05/2008)
12/05/2008		Transmission to Attorney Admissions Clerk. Transmitted re: 127 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jpo) (Entered: 12/05/2008)
12/08/2008		CASHIERS OFFICE REMARK on 127 Order on Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 12/03/2008, Receipt Number 671356. (jd) (Entered: 12/08/2008)
01/09/2009	<u>128</u>	TRANSCRIPT of proceedings held on December 10, 2008 before Judge George B. Daniels. (djc) (Entered: 03/02/2009)
03/31/2009	<u>129</u>	MEMORANDUM DECISION AND ORDER For the reasons set forth in this order, M&O's cross-motion for judgment on the pleadings is granted. (Signed by Judge George B. Daniels on 3/31/09) (mme) (Entered: 03/31/2009)
03/31/2009		Transmission to Judgments and Orders Clerk. Transmitted re: 129 Order on Motion for Summary Judgment, to the Judgments and Orders Clerk. (mme) (Entered: 03/31/2009)
03/31/2009	<u>130</u>	MEMORANDUM DECISION AND ORDER For the reasons set forth in this order, the Estate defendants motion for summary judgment dismissing plaintiffs first, second, fourth, fifth, seventh, eighth, ninth, and twelfth claims is granted. The M&O defendants motion for summary judgment dismissing plaintiffs second, third, fourth, and six claims is granted. This case is dismissed in its entirety. (Signed by Judge George B. Daniels on 3/31/09) (mme) (Entered: 03/31/2009)
03/31/2009	<u>131</u>	CLERK'S JUDGMENT That for the reasons set forth in the Court's Memorandum Decision and Order dated March 31, 2009, M&O's cross-motion for judgment on the pleadings is granted. (Signed by J. Michael McMahon, clerk on 3/31/09) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 04/01/2009)
04/02/2009		Mailed notice of Right to Appeal and to Attorney(s) of Record: Joshua Abraham Block, Carolina A. Fornos, Beverly R. Frank, Sanford Jay Hauser, Paul Kilmer, Susan Joan Kohlmann, Lacy H. Koonce, III, Elizabeth A. McNamara, John J. Reilly, Lindsay Hannah Tasher, Nancy Vermulen Thornton, Richard T. Williams. (jab) (Entered: 04/02/2009)
04/20/2009	<u>132</u>	CLERK'S JUDGMENT that for the reasons set forth in the Court's Memorandum Decision and Order dated March 31, 2009, Defendants' motions for summary judgment, and M & O's cross-motion for judgment on the pleadings are granted. (Signed by J. Michael McMahon, clerk on 4/20/09) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 04/20/2009)
04/27/2009	<u>133</u>	NOTICE OF APPEARANCE by Christelle Angelika Hoey on behalf of Thomas Steinbeck (Hoey, Christelle) (Entered: 04/27/2009)
04/27/2009	<u>134</u>	NOTICE OF APPEARANCE by Samuel Spital on behalf of Thomas Steinbeck (Spital, Samuel) (Entered: 04/27/2009)
04/29/2009	<u>135</u>	NOTICE OF APPEAL from 132 Clerk's Judgment, 131 Clerk's Judgment, 130 Order on Motion for Summary Judgment,. Document filed by Thomas Steinbeck, Blake Smyle. Filing fee \$ 455.00, receipt number E 686710. (nd) (Entered: 04/29/2009)
04/29/2009		Transmission of Notice of Appeal to the District Judge re: 135 Notice of Appeal. (nd) (Entered: 04/29/2009)
04/29/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 135 Notice of Appeal. (nd) (Entered: 04/29/2009)
05/28/2009	<u>136</u>	NOTICE OF APPEARANCE by Sean C. Sheely on behalf of Thomas Steinbeck, Blake Smyle (Sheely, Sean) (Entered: 05/28/2009)
06/15/2009		USCA Case Number 09-1836-cv from the USCA 2nd Circuit assigned to 135 Notice of Appeal filed by Thomas Steinbeck, Blake Smyle. (tp) (Entered: 06/15/2009)